

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

WILLIAM F. SAPONARO, JR.	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Civil Action No.: 14-4522 (JBS-AMD)
	:	
GRINDR, LLC	:	
	:	
Defendant.	:	
	:	

**NOTICE OF MOTION TO AMEND PLAINTIFF'S COMPLAINT
AND TO SEAL PLAINTIFF'S ORIGINAL COMPLAINT PURSUANT
TO N.J.S.A. 2A:82-46**

TO: Frederick B. Polak, Esquire
425 Eagle Rock Avenue
Suite 200
Roseland, NJ 07068

PLEASE TAKE NOTICE that, on a date to be set by the Court, Plaintiff William F. Saponaro, Jr. through J. Michael Farrell, Esquire, his attorney, will move this Honorable Court for an order permitting Plaintiff to Amend his Complaint and to seal the original Complaint pursuant to N.J.S.A. 2A:82-46.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the annexed Certification of counsel in support of said Motion.

s/J. Michael Farrell

J. MICHAEL FARRELL, ESQUIRE
5 N. Clinton Avenue
Wenonah, NJ 08090
(609) 937-8836
mike@farrelltrial.com
Attorney for Plaintiff

Dated: _____

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FOR THE DISTRICT OF NEW JERSEY

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GRINDR, LLC	:	
	:	
Defendant.	:	
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ORDER

THIS MATER having been presented to the Court by motion of J. Michael Farrell, Esquire, attorney for William F. Saponaro, Jr., and the Defendant having been heard, represented by Frederick B. Polak, Esquire, and for good cause shown;

IT IS, on this _____ day of _____, 2014, hereby ORDERED and
DECREED that Plaintiff's Motion is GRANTED as follows:

1. Plaintiff shall AMEND his Complaint by substituting the initials "B.W." when referring to the minor described therein; and
2. Plaintiff's original Complaint which mistakenly identified by name the identity of "B.W." who was under the age of 18 at the time of the incident alleged in said Complaint is hereby SEALED.

BY THE COURT:

J.

**J. MICHAEL FARRELL, TRIAL LAWYER
5 NORTH CLINTON AVENUE
WENONAH, NJ 08090
(609) 937-8836
mike@farrelltrial.com
ATTORNEY FOR PLAINTIFF**

**IN THE UNITED STATE DISTRICT COURT
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Plaintiff,	:	
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GRINDR, LLC	:	
	:	
Defendant.	:	
	:	

**CERTIFICATION OF J. MICHAEL FARRELL, ESQUIRE IN SUPPORT OF
PLAINTIFF'S MOTION TO AMEND PLAINTIFF'S COMPLAINT
AND TO SEAL PLAINTIFF'S ORIGINAL COMPLAINT PURSUANT
TO N.J.S.A. 2A:82-46**

J. Michael Farrell, Esquire hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and attorney for the above described Plaintiff.
2. I submit this Certification in support of the instant motion to amend Plaintiff's Complaint and to seal Plaintiff's original Complaint pursuant to N.J.S.A. 2A:82-46.
3. On or about June 20, 2014, Plaintiff filed his original Complaint in the Superior Court of New Jersey - Cape May County. In that Complaint, Plaintiff mistakenly identified by name the minor described therein.

4. Plaintiff requests leave to amend said Complaint by substituting the initials "B.W." when referring to the minor described and to seal Plaintiff's original Complaint which mistakenly identified by name of identity of "B.W." who was under the age of 18 at the time of the incident alleged in said Complaint.

5. N.J.S.A. 2A:82-46 states in pertinent part:

2A:82-46. Disclosure of identity of victims of certain crimes under age 18 prohibited

a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, endangering the welfare of children under N.J.S.2C:24-4, or in any action alleging an abused or neglected child under P.L.1974, c.119 (C.9:6-8.21 et seq.), the name, address, and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense shall not appear on the indictment, complaint, or any other public record as defined in P.L.1963, c.73 (C.47:1A-1 et seq.). In its place initials or a fictitious name shall appear.

b. Any report, statement, photograph, court document, indictment, complaint or any other public record which states the name, address and identity of a victim shall be confidential and unavailable to the public. Unless authorized pursuant to subsection c. of this section, any person who purposefully discloses, releases or otherwise makes available to the public any of the above-listed documents which contain the name, address and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense enumerated in subsection a. of this section shall be guilty of a disorderly persons offense.

c. The information described in this act shall remain confidential and unavailable to the public unless the court, after a hearing, determines that good cause exists for disclosure. The hearing shall be held after notice has been made to the victim, parents of victim, spouse, or other person legally responsible for the maintenance and care of the victim, and to the person charged with the commission of the offense, counsel or guardian of that person.

d. Nothing contained herein shall prohibit the court from imposing further restrictions with regard to the disclosure of the name, address, and identity of the victim when it deems it necessary to prevent trauma or stigma to the victim.

6. The information set forth herein is true to the best of my knowledge, information and belief. I understand that, if any of the foregoing information is knowingly false, I am subject to punishment.

WHEREFORE, for the foregoing reasons, it is requested that the Plaintiff be granted leave to amend his Complaint to substitute “B.W.” for the minor described in the original Complaint and for an order sealing the original Complaint.

Respectfully submitted,

s/J. Michael Farrell

J. MICHAEL FARRELL, ESQUIRE
Attorney for Plaintiff, William F. Saponaro, Jr.

Dated: _____

**J. MICHAEL FARRELL, TRIAL LAWYER
5 NORTH CLINTON AVENUE
WENONAH, NJ 08090
(609) 937-8836
mike@farrelltrial.com
ATTORNEY FOR PLAINTIFF**

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Defendant.	:	
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on August 4, 2014, a copy of Plaintiff's Notice of Motion to Amend Complaint and to Seal Plaintiff's Original Complaint Pursuant to N.J.S.A. 2A:82-46 with attached Certification in support thereof was served via the Court's electronic filing system and via first class mail upon:

Frederick B. Polak, Esquire
425 Eagle Rock Avenue
Suite 200
Roseland, NJ 07068
fbp@ppgms.com

s/J. Michael Farrell

J. MICHAEL FARRELL, ESQUIRE
Attorney for Plaintiff, William F. Saponaro, Jr.